

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 374 be amended to read as follows:

- 1 Page 2, between lines 4 and 5, begin a new paragraph and insert:
2 "SECTION 3. IC 9-13-2-127 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 127. (a) "Police
4 officer" means, except as provided in subsection (b), the following:
5 (1) A regular member of the state police department.
6 (2) A regular member of a city or town police department.
7 (3) A town marshal or town marshal deputy.
8 (4) A regular member of a county sheriff's department.
9 (5) A conservation officer of the department of natural resources.
10 (b) "Police officer", for purposes of **IC 9-19-11-3.9** and IC 9-21,
11 means an officer authorized to direct or regulate traffic or to make
12 arrests for violations of traffic regulations.
13 SECTION 4. IC 9-19-10-3.1 IS ADDED TO THE INDIANA
14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2006]: **Sec. 3.1. A vehicle may not be**
16 **stopped, inspected, or detained solely to determine compliance with**
17 **this chapter.**
18 SECTION 5. IC 9-19-10-7 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) Failure to comply
20 with section ~~1, 2, 3, or 4~~ of this chapter ~~does not~~ **may** constitute fault
21 under IC 34-51-2. ~~and does not limit the liability of an insurer.~~
22 (b) ~~Except as provided in subsection (c);~~ Evidence of the failure to
23 comply with section ~~1, 2, 3, or 4~~ of this chapter may **not** be admitted in
24 a civil action to mitigate damages, **including**
25 ~~(c) Evidence of a failure to comply with this chapter may be~~

1 admitted in a civil action as to mitigation of damages in a product
 2 liability action involving a motor vehicle restraint or supplemental
 3 restraint system. The defendant in ~~such an~~ **that** action has the burden
 4 of proving noncompliance with this chapter, ~~and~~ that compliance with
 5 this chapter would have reduced injuries, and the extent of the
 6 reduction."

7 Page 2, between lines 26 and 27, begin a new paragraph and insert:

8 "SECTION 7. IC 9-19-11-3.9 IS ADDED TO THE INDIANA
 9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2005]: **Sec. 3.9. If a police officer has**
 11 **reasonable suspicion to believe that a violation of this chapter**
 12 **exists, a vehicle may be stopped, inspected, or detained solely in**
 13 **order to determine compliance.**

14 SECTION 8. IC 9-19-11-8 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. **(a)** Failure to
 16 comply with **section 2, 3, 3.3, or 3.6** of this chapter ~~does not~~ **may**
 17 constitute ~~contributory negligence~~ **fault under IC 34-51-2.**

18 **(b) Evidence of failure to comply with section 2, 3, 3.3, or 3.6 of**
 19 **this chapter may be admitted in a civil action to mitigate damages,**
 20 **including a product liability action involving a safety belt or child**
 21 **restraint system. The defendant in that action has the burden of**
 22 **proving:**

23 **(1) noncompliance with this chapter;**

24 **(2) that compliance with this chapter would have reduced**
 25 **injuries; and**

26 **(3) the extent of the reduction.**

27 SECTION 9. THE FOLLOWING ARE REPEALED [EFFECTIVE
 28 JULY 1, 2006]: IC 9-19-10-3; IC 9-21-13-0.5."

29 Page 2, delete lines 27 through 28.

30 Renumber all SECTIONS consecutively.

(Reference is to ESB 374 as printed February 21, 2006.)

Representative Torr